

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MICHAEL A. FISHER,

Petitioner,

v.

PAT HURLEY,

Respondent.

CASE NO. 2:04-cv-622

JUDGE MARBLEY

MAGISTRATE JUDGE KEMP

OPINION AND ORDER

On February 24, 2006, the Magistrate Judge issued a *Report and Recommendation* recommending that proceedings in this habeas corpus action be stayed pending petitioner's exhaustion of state court remedies. Although the parties were specifically informed of their right to object to the *Report and Recommendation*, and of the consequences of their failure to do so, there has nevertheless been no objection to the *Report and Recommendation*.

On March 21, 2006, petitioner filed a request for extension of time to present his claims to the Ohio Supreme Court; however, he does not appear to object to the Magistrate Judge's *Report and Recommendation*. See Doc. No. 26.

The *Report and Recommendation* is hereby **ADOPTED AND AFFIRMED**. Proceedings in this action are **STAYED** pending petitioner's exhaustion of state court remedies.

Petitioner must initiate a delayed appeal pursuant to Ohio Supreme Court Rule of Practice II, Section 2(A)(4)(a), as to unexhausted claims one, three, and four within thirty (30) days of the date of this order, and he must return to federal court within thirty (30) days of completion of state

court action. Petitioner is **DIRECTED** to keep the Court advised of the status of state court proceedings. Failure to comply with the foregoing may result in dismissal of this action.

IT IS SO ORDERED.

s/Algenon L. Marbley

ALGENON L. MARBLEY
United States District Judge